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In re Application of:
PEDRETTI *et al*
U.S. Application No.: 10/549,840
PCT No.: PCT/CH2004/00110
Int. Filing Date: 02 March 2004
Priority Date: 21 March 2006
Attorney Docket No.: 27793-00100USPX
For: LIFTING BODY FOR AN AIRSHIP

DECISION

This decision is in response to applicants' "Request for Corrected Filing Receipt," filed in the United States Patent and Trademark Office on 05 March 2007. It has been treated as a petition under 37 CFR 1.10(c).

BACKGROUND

On 03 April 2006, applicants filed several papers including a declaration in compliance with 37 CFR 1.497(a) and (b). These papers were denoted as received in the Office on 31 March 2006.

On 25 May 2006, the Office mailed a Notification of Acceptance (Form PCT/DO/EO/903) and a Filing Receipt indicating that the requirements under 35 U.S.C. 371 were satisfied on 31 March 2006.

On 05 March 2007, applicants filed a request to correct the filing receipt.

DISCUSSION

Applicants request that the receipt date of the declaration be amended to 03 April 2006. The requirements for a petition to correct a receipt date based on Express Mail records are set forth in 37 CFR 1.10(c). The section states as follows:

(c) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the

Director to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Items (1), (2) and (3) have been met.

The petition was filed promptly. The Express Mail mailing label number was listed on the correspondence. Applicants have provided a copy of the Express Mailing mailing label with the "date-in" listed as 03 April 2006 and the label is also stamped by the USPS as received on 03 April 2006.

CONCLUSION

For the reasons listed above, applicants' petition under 37 CFR 1.10(c) to correct the receipt date of the declaration to 03 April 2006 is GRANTED.

The Notification of Acceptance (Form PCT/DO/EO/903) and Filing Receipt mailed 25 May 2006 are both VACATED.

This application is being forwarded to the Office of Patent Application Processing for the mailing of a new Form PCT/DO/EO/903 and Filing Receipt.



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